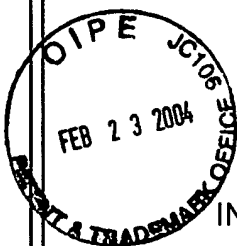


1328-004B  
RJJ/ajh



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of )  
Wayne P. FITZMAURICE )  
Serial No. 10/668,872 ) Examiner: Not Assigned Yet  
Filed: September 18, 2003 ) Group Art Unit: 1645  
For: Interspecific Nicotiana Hybrids )  
and their Progeny )

INFORMATION DISCLOSURE STATEMENT

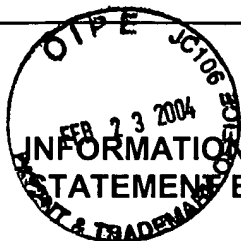
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA. 22313-1450

Dear Sir:

Under the provisions of 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicant submits herewith copies of publications that the Office may wish to consider in examination of the subject application. The publications are listed on the attached form PTO-1449.

Respectfully submitted,

By Kenyon Schuett  
Kenyon Schuett, Reg. 44,324  
Attorney for Applicants  
Jondle & Associates, PC  
9085 E. Mineral Circle, Suite 200  
Centennial, CO. 80112  
(303) 799-6444



<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				<i>Complete if Known</i>	
				Application Number	10/668,872
				Filing Date	September 18, 2003
				First Named Inventor	Wayne P. FITZMAURICE
				Group Art Unit	1645
				Examiner Name	David H. KRUSE
Sheet	1	of	3	Attorney Docket Number	1328-004B

### U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code (if known)		
		5,824,856		Masashi Mori et al.	10-20-1998
		5,811,653		Thomas H. Turpen	09-22-1998
		5,589,367		Jon Donson et al.	12-31-1996
		5,316,931		Jon Donson et al.	05-31-1994
		5,177,306		Robert J. Whitaker	06-05-1993
		4,827,079		David A. Evans et al.	05-02-1989

### FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.	Foreign Patent Document			Name of Patentee of Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	T <sup>6</sup>
		Office	Number	Kind Code (if known)			

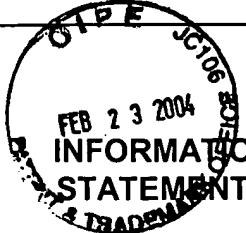
### OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>6</sup>
		G.Z. BU et al., "Investigation on genetic traits and selection of interspecific somatic hybrid progenies in tobacco", 1989, pp 213-22, Vol. 5, No. 4, Chin J. Biotechnol (Abstract of article).	
		S.D. KUNG et al., "The evolution of fraction i protein during the origin of a new species of Nicotiana", 1975, pp. 59-64, Vol. 7, No. 1, J Mol. Evol (Abstract of article).	

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

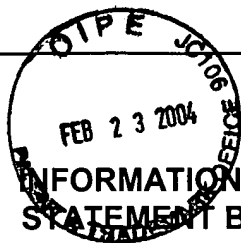
<sup>1</sup>Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code. <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language translation is attached. AB indicates that only an English language abstract is attached.

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				Group Art Unit	1645		
				Examiner Name	David H. KRUSE		
Sheet	2	of	3	Attorney Docket Number	1328-004B		
<b>U.S. PATENT DOCUMENTS</b>							
Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY		
		Number	Kind Code (if known)				
		5,866,785		Jon Donson et al.	02-02-1999		
		5,928,406		David E. Salt et al.	07-27-1999		
		5,998,710		Gary R. Stangland	12-07-1999		
<b>FOREIGN PATENT DOCUMENTS</b>							
Examiner Initials*	Cite No.	Foreign Patent Document			Name of Patentee of Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	T <sup>6</sup>
		Office	Number	Kind Code (if known)			
<b>OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS</b>							
Examiner Initials*	Cite No.						T <sup>6</sup>

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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Sheet	3	of	3	Attorney Docket Number	1328-004B

**OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>6</sup>
		GRIN printout for Nicotiana excelsior (Abstract from database).	
		GRIN printout for Nicotiana benthamiana (Abstract from database).	
		H.H. SMITH, "The Genus as a Genetic Resource", pp. 1-3, 6-16, Technical Bulletin 1586, USDA.	
		L.G. BURK et al., "Hybridization", pp. 23-27, Technical Bulletin 1586, USDA.	
		K.G. CAMPBELL et al., "Construction of a designer chromosome in tobacco", 1994, pp. 837-842, Vol. 87, Theoretical and Applied Genetics.	
		L. DOROSIEV et al., "Application of In-Vitro Methods in the Development of Disease Resistant Oriental Tobacco Hybrids and Lines", 1990, Vol. 23, pp. 306-315 (Abstract of article).	

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